

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JEFFREY TUNIS,

Plaintiff,

23-cv-6632 (PKC)

ORDER

-against-

MICHAEL L. CLOFINE, et al.,

Defendants.  
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CASTEL, District Judge:

Federal courts are courts of limited jurisdiction. See, e.g., Gunn v. Minton, 568 U.S. 251, 256 (2013). “An argument that subject-matter jurisdiction is lacking may be raised at any time, by any party, or even sua sponte by the court.” Presidential Gardens Assocs. v. U.S. ex rel. Sec’y of Hous. & Urban Dev., 175 F.3d 132, 140 (2d Cir. 1999).

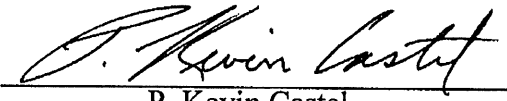
A complaint premised on diversity of citizenship must allege the citizenship of natural persons who are members of a limited liability company and the place of incorporation and principal place of business of any corporate entities that are members of the limited liability company. See Carter v. HealthPort Techs., LLC, 822 F.3d 47, 60 (2d Cir. 2016) (“In general, the citizenship of a limited liability company is determined by the citizenship of each of its members.”); Strother v. Harte, 171 F. Supp. 2d 203, 205 (S.D.N.Y. 2001) (“For purposes of diversity jurisdiction, a limited liability company has the citizenship of each of its members.”); Rule 8(a), Fed. R. Civ. P.

Plaintiff is alleged to be a citizen of the state of New Jersey. (Compl. ¶ 2.) Digital Ignition Entertainment, LLC is a limited liability company and thus takes on the citizenship of its members. The Complaint is silent on the citizenship of the members of the LLC. The Rule 7.1

Statement of Digital Ignition Entertainment, LLC reveals that the Maria Seldes 2016 Trust and Cama Sdira are each members of the LLC and each is a citizen of New Jersey, thereby destroying complete diversity of citizenship.

Because there does not appear to be diversity of citizenship, let the plaintiff show cause in writing filed by October 20, 2023 why the action ought not be dismissed without prejudice for lack of subject matter jurisdiction. The October 11, 2023 conference is VACATED and the action is otherwise stayed.

SO ORDERED.

  
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P. Kevin Castel  
United States District Judge

Dated: New York, New York  
October 10, 2023